

SUGGESTED DRAFT

Dear Mr. Hoover:

I have your letters of January 10th, 14th and 15th concerning the request of District Attorney Wade of Dallas County, Texas, and Mr. Joe Tonahill and his associates in the defense of Jack L. Ruby for release to them for their respective uses of information concerning the assassination of President Kennedy and the subsequent killing of Lee H. Oswald, his alleged assassin. The same request has been made to the Commission through me by Mr. Tonahill. For your information, I am enclosing a copy of my letter to him.

The Commission, of course, is not a prosecuting agency. It is not the custodian of any originals. The copies of documents in its possession have come to it through the cooperation of the various federal, state and local agencies as authorized by Executive Order 11130. It considers itself only as a trustee of this information for the specific purposes enumerated in that Executive Order by the President.

While the work of the Commission would be greatly handicapped if the information contained in the summaries and work reports submitted to it by the agencies should become common knowledge before its work is completed, it does not have the authority nor the desire to limit the normal powers or responsibilities of any agency of government, federal, state or local, in relation to the prosecution or defense of any criminal case.

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The Commission has, therefore, authorized me to advise you and the other federal agencies that it will not respond favorably to such requests, and that it will not urge you or them to make any deviation from your own judgment of what is required of your agency by law.

Very truly yours,

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Dear Mr. _____:

I have your letter of January 9th requesting "the reports, minutes and all evidence of the Commission created by Executive Order 11130 dated November 29, 1963, created by President Lyndon B. Johnson to report upon the assassination of President John F. Kennedy, and the shooting of his assailant, Lee Harvey Oswald," and stating your reasons for desiring the same.

This is to advise you that the President's Commission is not a prosecuting agency, and up to the present time has before it for consideration, evaluation and eventually a report to the President, only summaries and copies of working papers of other federal, state and local agencies. These documents, because of lack of time, have not been evaluated, and no conclusions have been reached concerning them. The originals are in the agencies from which they were received, and any relationship between them and the case of your client must be established with those agencies.

This Commission in no way changes or limits the powers and responsibilities of any law enforcement agency in performing its duties incident to the prosecution or defense of criminal cases.

After discussion of your request with the Commission, I am authorized to advise you that it is not within the province of the Commission to respond favorably to your request.

Very truly yours,

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